

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

IN RE:) CHAPTER 13
)
PAMELA ROBERTSON) CASE NO. 18-12963-KHK
)
Debtor.)
)

OBJECTION TO CONFIRMATION OF PLAN,
NOTICE OF OBJECTION TO CONFIRMATION OF PLAN

COMES NOW Partners for Payment Relief DE II, LLC ("Creditor"), a secured creditor in the above-captioned case and, by and through counsel, and objects to confirmation of the Debtor's plan, and as grounds therefore states as follows:

1. Creditor filed a "total debt" claim secured by a deed of trust on real property of the debtor's estate at 8205 Crossbrook Court, Unit 201; Lorton, VA. 22079 (the "Property"), in the principal amount of \$50,684.49, consisting of \$25,227.30, principal, \$24,162.15 interest, and \$1295.04 fees and costs; Creditor asserts a pre-petition arrearage of \$28,527.36, comprised of \$27,232.32 principal and interest, and \$1295.04, fees and costs. Claim 2-1.
2. The debtor's plan fails to provide for treatment of Creditor's claim.
3. The plan as proposed will provide a total of \$24,600 to be paid. It appears that the first priority lien upon the Property is in favor of Ocwen Loan Servicing, which has filed a proof of claim in the total of \$132,346.56. The Debtor asserts she owes condominium fees to Gunston Corner Condominium Association in the sum of \$14,407.79, which upon information and belief, would not have priority over Creditor's consensual second priority Deed of trust. Debtor's Schedule A/B shows the

value of the Property to be \$222,088. Therefore, there appears to be adequate equity in the Property to require payment in full of Creditor's claim over the course of the case.

4. The loan in favor of Creditor is secured by the Debtor's principle residence, and therefore Section 1322(b)(2) forbids modification of Creditor's rights. The Plan does not provide to cure Creditor's claim. Any failure to propose to treat Creditor's claim is in violation of Section 1322(b)(2) and (5).

WHEREFORE, Partners for Payment Relief DE II, LLC respectfully requests the Court as follows:

- a. That confirmation of the Chapter 13 Plan be denied; or in the alternative;
- b. That the Debtor's plan be amended to adequately provide for Creditor's claim;
- c. That Creditor be awarded reasonable attorney's fees incurred in the filing of this Objection; and
- d. For such other and further relief as the court deems proper.

Date: October 29, 2018

McMichael Taylor Gray, LLC
/s/ Angela N. Watson
Angela N. Watson
Virginia Bar No. 72029
3550 Engineering Dr.
Suite 260
Peachtree Corners, GA. 30092
awatson@mtglaw.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was provided via Regular U.S. Mail and/or Electronic Mail to the parties listed on the attached service list, this October 29, 2018.

SERVICE LIST

Pamela Robertson
8205 Crossbrook Court, Unit 201
Lorton, VA 22079

Nathan A. Fisher
Fisher-Sandler, LLC
3977 Chain Bridge Road, #2
Fairfax, VA 22030

Thomas P. Gorman
Chapter 13 Trustee
300 N. Washington St., Ste. 400
Alexandria, VA 22314

McMichael Taylor Gray, LLC
/s/ Angela N Watson
Angela N. Watson
Virginia Bar No. 72029
3550 Engineering Dr.
Suite 260
Peachtree Corners, GA. 30092
404-474-7149
awatson@mtglaw.com